

SSCI Guidelines
SSCI
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17 SEP 1976

MEMORANDUM FOR THE RECORD

SUBJECT: 9 September 1976 Meeting with Senate Select Committee on Intelligence Staffers Regarding Covert Action Reporting Procedures

25X1 1. [] and I met with Bill Miller, Mike Madigan, and Rick Inderfurth, all on the staff of the Senate Select Committee on Intelligence, on 9 September 1976 to review how the Agency would report on covert action to the Committee. Mr. Miller had met with Mr. Wells, DDO, and [] on 3 August on the same subject, and Miller stated that the second meeting was primarily for the benefit of Madigan and Inderfurth. 25X1 [] and Miller reiterated their earlier understanding that there was no need for a written agreement between the Committee and the Agency. 25X1

2. Notification: After CIA is notified that the President has made the finding necessary to initiate a covert action, pursuant to section 662 of the Foreign Assistance Act of 1961, the Office of Legislative Counsel will notify the Committee as soon as possible that a finding has been made and that the Director stands ready to brief the Committee on the program. It was agreed at the 3 August meeting that OLC would attempt to notify Committee officials in the following order: Mr. Miller; if he were absent or unreachable, the Chairman of the Committee; and if neither were reachable, the Vice Chairman of the Committee. It is the Committee's hope that this notification would always take place prior to implementation of the program; it is their expectation that the Agency will make a good faith effort to do so. 25X1 [] and I stated that it was our understanding that the Director expected the Committee to be notified very rapidly (within a matter of hours), but that he could not guarantee that we would always succeed in reaching Committee officials before implementation.

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At the Committee's convenience we would then schedule an appearance by the Director for the purpose of providing the Committee a full briefing on the program. It is, of course, the option of the Committee to call other Executive branch witnesses, such as Department of State representatives, but it was agreed at the 3 August meeting that the DCI would first report the finding and explain the program before other witnesses were called.

The Committee is also to be notified of withdrawals for covert action from the Contingency Reserve Fund. Under present arrangements all appropriate oversight committees will be notified within 48 hours of OMB approval of a reserve release.

The Committee feels they have four options in handling information provided them under the above procedure (in addition to simply recording it and taking no affirmative action). These four options are:

a. to comment to the Executive branch;

b. to refer the information to other Committees - [redacted] reviewed the agreement reached at the 3 August meeting, that this information would be referred only to Members or staffers of Committees already briefed under that amendment. Miller agreed that the best procedure would be to consult OLC in advance to determine exactly who had been briefed. Despite this agreement, it may be difficult in the future to enforce this restriction in light of Section 8(c)(2) of S. Res. 400, which governs the Committee's authorized dissemination of information to other Committees or Senators. This will be especially true if the Hughes-Ryan amendment is revised to require the Senate reports to be made only to the Select Committee.

c. disclose the information following the procedures of section 8 of S. Res. 400 - with respect to disclosure under section 8, I stated that the Executive branch had not acquiesced to this as a legitimate procedure, and there was further inconclusive discussion on this subject;

[redacted]

[redacted] and I stated that the Executive branch did not necessarily agree that the Committee had all these options, but that we accepted their statement as their view of Committee options.

3. Follow-Up: The Committee is interested in a termination/evaluation report on each covert action separately reported to it. The Committee desires to be notified when a project has ended and whether we view it as successful. [redacted] and I agreed that the Committee could be provided information in this regard, but [redacted] expressly left open the question of whether the Director would prefer this to be in oral or written form. In this connection, Miller and Inderfurth asked for reports on the covert actions undertaken pursuant to the 27 May 1976 and 5 August 1976 findings.

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25X1 The Committee will accept a semi-annual status report on all CA projects as the medium for the notification of the termination or evaluation of those minor or "infrastructure" covert action programs covered by omnibus findings. [] is preparing a supplementary memorandum on the semi-annual reports desired by the Committee staff.)

4. Other points covered: Inderfurth stated that, as a longer-range objective, the Committee would also like to receive briefings on the "more mundane, continuing" activities conducted by our field stations. He also expressed the Committee's interest in understanding the full political and military situation in these countries and the context in which the need for a covert activity is perceived. He wondered, for example, if it could be assumed that the Agency's assessments of the situation in a given country were taken into account before a CA program was approved. Fendig stated that such assessments would not necessarily be the definitive factor in a decision to undertake covert action. As an example, he pointed out that the personal view of the Ambassador or Secretary of State might well be a persuasive factor, and these would not be reflected in Agency intelligence reports. No commitments were made regarding this request.

5. Follow-up items:

25X1 a. Inderfurth stated that the Director's 29 July update briefing was necessarily sketchy on each of the extant programs, because there was so little time to devote to each program. Inderfurth asked for back-up written material for the Committee's files on each of the programs covered. [] stated we would have to raise this request at higher levels.

b. Provide evaluation reports on programs initiated subsequent to 27 May and 5 August 1976 programs.

c. Communicate further with the Committee our plans for the semi-annual review.

[]
Assistant Legislative Counsel

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